

REMARKS/ARGUMENTS

Amendments

The specification is amended to correct the page numbering and several oversights that are grammatical, clerical or typographical in nature. Additionally, the claims are modified in the amendment. More specifically, claims 1, 10, and 18 have been amended; and claims 8, 14, 16, and 20 have been cancelled. Therefore, claims 1-7, 9-13, 15, 17-19 and 21 are present for examination. No new matter is added by these amendments. Applicant respectfully requests reconsideration of this application as amended.

35 U.S.C. §102 Rejection, Gorday et al.

The Office Action has rejected claims 1-4, 6, 8-12, 14, 16, 17 and 19-21 under 35 U.S.C. §102(b) as being anticipated by the cited portions of U.S. Patent No. 5,703,570 to Gorday et al. (hereinafter "Gorday"). Claims 8, 14, 16, and 20 have been canceled without prejudice. Applicant respectfully traverses the rejection as applied to the remaining claims.

Claim 1, as amended, recites converting a page to a message. The message is stored in a communication mode agnostic format. After there is no response to the page after a predetermined time period, a message-waiting indicator associated with the pager is activated a predetermined time period. Gorday fails to teach or suggest these recitations of claim 1.

Gorday discloses a message delivery method for use in a radio communication system. Gorday, col. 3, ll. 27-31. A system controller generates a message intended for a portable subscriber unit (PSU). Id., at col. 4, ll. 35-37; col. 9, ll. 35-37. If the message is received by the PSU, the PSU determines if the quality of the message is less than a predetermined limit. Id., at col. 9, ll. 61-64. If it is not of sufficient quality, a NACK is transmitted from the PSU to a processing system. Id. Upon receipt of a sufficient number of NACKs, the processing system determines the message is undeliverable, stores the message, and changes the status of the message to "undelivered." Id., at col. 10, ll. 14-20. The PSU is then

notified with a second message with a substantially higher probability of successful reception.

Id., at col. 10, ll. 20-23.

In contrast to claim 1, Gorday fails to teach that a message-waiting indicator associated with a pager is activated. In Gorday's system, a second message is sent to the PSU after receipt of a NACK or optionally when a predetermined number of transmissions has been exceeded. There is no suggestion in Gorday that the PSU even has a message-waiting indicator that can be activated when there is no response to a page.

Additionally, Gorday does not teach or suggest storing a message in a communication mode agnostic format. Gorday discloses storing the message that was intended for delivery to the PSU. Thus, the stored message is in the communication mode format of the PSU, not in an agnostic format.

As Gorday fails to disclose the recitations of claim 1 discussed above, Applicant respectfully submits that claim 1 is allowable. Claims 2-4, 6, and 9 depend on claim 1 and are accordingly believed to be allowable for at least the same reasons. Applicant also believes that the dependent claims are also allowable for additional reasons. For instance, claim 6 recites "storing information relating to a communication mode for the pagor that the pagee can use when returning the page." As will be discussed in further detail below with reference to claim 10, Gorday fails to disclose storing this type of information.

Claim 10 recites "activating a message-waiting indicator associated with the pager." As previously discussed, Gorday does not teach this recitation. Additionally, claim 10 recites "storing information relating to a communication mode for the pagor that the pagee can use when returning the page." This recitation was originally submitted in now canceled claim 14. Applicant submits that Gorday also fails to disclose this recitation.

In Gorday, the PSU may send a response message (e.g., acknowledgement) in response to an outbound message which was delivered to the PSU. Id., at col. 6, ll. 31-41. Additionally, the user may generate an inbound response which is communicated to the system controller. Id., at col. 6, ll. 41-44. The PSU may then notify the originator that the outbound message has been acknowledged and responded to. Id., at col. 6, ll. 47-52. The Office Action of 1/14/2004 stated that these teaching of Gorday must inherently disclose storing information

relating to a communication mode for the pagor that the pagee can use when returning the page. Applicant respectfully disagrees. Gorday only discloses that the system controller may send a message to the originator that an outbound message has been acknowledged and responded to (not the response itself). Thus, any information that may be stored by the system controller to send the message to the originator cannot be used by a pagee to return a page as there is no suggestion that stored information of this type is made available to the recipient.

Since Gorday does not teach or suggest the recitations of claim 10 discussed above, Applicants submit that claim 10 is allowable. Claims 11-13 and 17 depend on claim 10 and are believed to be allowable for at least the same reasons, as well as for the additional recitations recited in these claims.

Claims 19 and 21 depend on claim 18. As the Examiner has stated that Gorday does not disclose all of the recitations of claim 18, Applicant respectfully submits that the § 102(b) rejection of these claims is improper as these claims inherently contain the recitations of claim 18. Applicant also submits that these claims are also allowable for the additional recitations that they recite. For instance, claim 19 recites retrieving information relating to a communications mode for a pagor and automatically connecting the pagee to the pagor using the communication mode. As previously discussed, Gorday does not disclose storing the information relating to a communications mode, and thus cannot teach retrieving this information. Additionally, there is not even the slightest suggestion in Gorday of automatically connecting a pagee to a pagor. Thus, Applicant respectfully submits that claim 19 is also allowable for these additional reasons.

35 U.S.C. §103 Rejection, Gorday et al. in view of LaPorta et al.

The Office Action has rejected claims 5, 7, 13, 15 and 18 under 35 U.S.C. §103(a) as being unpatentable over the cited portions of U.S. Patent No. 5,703,570 to Gorday et al. (hereinafter "Gorday") in view of the cited portions of U.S. Patent No. 5,974,300 to LaPorta et al. (hereinafter "LaPorta"). Claim 18 contains recitations similar to those discussed with reference to claim 10. Applicant respectfully submits that these recitations are also not taught or suggested by LaPorta.

In LaPorta, a user agent retains the status and last known location of its associated messaging device. LaPorta, col. 15, ll. 9-11. This information can be used by the user agent to deliver a message from a messaging server for the messaging device. Id. at col. 15, ll. 6-12. Applicant respectfully disagrees with the Examiner's interpretation that a user agent can store a plurality of communication modes. Although an originating message may have an associated array of reply-to addresses, these appear to be used to send replies to multiple messaging devices, each having their own associated user agent. As understood by the Applicant, the reply to addresses may include a list of all the addresses the message was originally sent to in order to facilitate a "reply all." There is no mention or suggestion in LaPorta that a user agent stores more than the location of a single messaging device. In fact, this would appear to go against the spirit of LaPorta's invention. Additionally, any information stored by a user agent is accessed by the messaging server, not a pagee. Therefore, the pagee can not use the information when returning the page.

As the references fail to teach or suggest all of the recitations of claim 18, Applicant respectfully submits that claim 18 is allowable. Claims 5, 7, 13, and 15 depend on claim 1 or 10. As LaPorta fails to disclose the recitations of claims 1 and 10 discussed above, Applicant accordingly submits that these claims are allowable for at least the same reasons. Additionally, Claim 7 contains recitations similar to those discussed above with reference to claim 18 and is accordingly also believed to be allowable for these additional reasons.

CONCLUSION

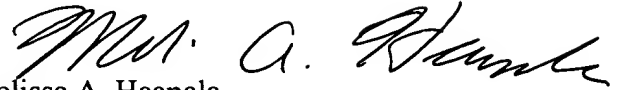
In view of the foregoing, Applicant believes all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Appl. No. 09/940,767
Amdt. dated April 6, 2004
Reply to Office Action of January 14, 2004

PATENT

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Melissa A. Haapala".

Melissa A. Haapala
Reg. No. 47,622

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 303-571-4000
Fax: 415-576-0300
MAH/nlm
60126307 v1